

# 法援局、委員會及其職能

## COUNCIL, COMMITTEES AND FUNCTIONS

### 法援局

法援局負責監督由法律援助署(法援署)提供的法律援助服務的管理。法援署就該等服務的提供，向法援局負責。

法援局可：

- a. 制定政策以管限由法援署提供的服務，並就法援署的政策方向提供意見；
- b. 不時檢討法援署的工作，並作出有利和適當的安排，以確保法援署能有效率地並符合經濟原則地履行其職能和提供法律援助服務；
- c. 檢討由法援署提供的服務及其發展計劃；及
- d. 就法援署的開支預算作出考慮及提供意見。

法援局無權就職員事宜及法援署對個別案件的處理向法援署作出指示。

法援局是行政長官在關於獲公帑資助並由法援署提供的法律援助服務的政府政策上的諮詢組織，並須就下列事宜作出建議：

### COUNCIL

The Legal Aid Services Council is responsible for overseeing the administration of the legal aid services provided by the Legal Aid Department and the Department is accountable to the Council for the provision of such services.

**The Council may —**

- a. formulate policies governing the provision of services by the Department and give advice on the policy direction of the Department;
- b. review the work of the Department from time to time and make such arrangements as are expedient and proper to ensure the efficient and economical discharge of the functions and provision of legal aid services by the Department;
- c. keep under review the services provided by the Department and the plans for development of the Department; and
- d. consider and advise on the estimates of expenditure of the Department.

The Council shall not have the power to direct the Department on staff matters and the handling of individual cases by the Department.

The Council is the Chief Executive's advisory body on the policy of the Government concerning publicly-funded legal aid services provided by the Department and shall advise on -

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前排左至右：法援署副署長（政務）鍾綺玲女士、李嘉蓮女士、主席陳茂波先生、蔡惠琴女士、黃吳潔華女士  
後排左至右：法援署署長陳香屏先生、熊運信先生、洪為民博士、林家禮博士、狄朗尼先生、梁偉權先生、法援局秘書彭海倫女士  
Front left to right: Ms Alice CHUNG (Deputy Director of Legal Aid/ Administration), Ms Corinne REMEDIOS, Mr Paul CHAN (Council Chairman), Ms Virginia CHOI, Mrs Cecilia WONG  
Back left to right: Mr William CHAN (Director of Legal Aid), Mr Stephen HUNG, Dr Witman HUNG, Dr L G LAM, Mr Michael DELANEY, Mr Edward LEUNG, Ms Helen PANG (Council Secretary)

- a. 資格準則、服務範圍、提供服務的方式、未來的改善計劃、以及法律援助政策的未來發展和資金需要；
  - b. 建立一個獨立的法律援助管理局的可行性及可取性；及
  - c. 由行政長官不時轉交法援局的任何其他法律援助事項。
- a. the eligibility criteria, scope of services, mode of service delivery, future plans for improvements, funding requirements and future development of legal aid policy;
  - b. the feasibility and desirability of the establishment of an independent legal aid authority; and
  - c. any other aspect of legal aid which the Chief Executive may from time to time refer to the Council.

### 興趣小組

法援局的職能，是就法援政策向行政長官提出意見，並監察法律援助署提供法律援助服務。本局明白各持份者對有關制度和運作的回應，將有助本港推行高素質及高效率的法援服務。因此，本局自1996年成立以來，一直與名冊律師就不同層面的法律援助服務和工作交換意見。於2002年，本局設立一個正式架構，成立了不同的興趣小組，以便名冊

### INTEREST GROUPS

The Legal Aid Services Council was established to advise the Chief Executive on legal aid policy and to supervise the provision of legal aid services provided by the Legal Aid Department. In discharging these functions, the Council recognizes that obtaining operational feedback from stakeholders will assist in the delivery of high quality and effective legal aid services. Hence, since its establishment in September 1996, the Council has held meetings with legal

律師可更廣泛參與本局的工作。在2003年，本局邀請非政府機構加入興趣小組，其後邀請擴展至區議會成員及學者。每個興趣小組皆由本局成員擔任主席，並歡迎其他法援局成員參與。

一般而言，興趣小組的職權範圍大致如下：

- a. 就興趣小組職權範圍內的事宜，向法援局建議有關改善的方法及途徑；
- b. 就興趣小組職權範圍內的事宜向法援局匯報有關意見及 / 或評論；及
- c. 審議由法援局或其他方面轉介的任何有關興趣小組相關職權範圍內的事宜。

在2008年9月以前，本局共成立3個興趣小組：

- a. 「外判制度及監察法援外判個案興趣小組」；
- b. 「法律援助申請及程序興趣小組」；及
- c. 「法律援助範圍興趣小組」。

在2008年9月，本局認為整合相關議題的興趣小組會令討論更有效率，遂決定將「外判制度及監察法援外判個案興趣小組」和「法律援助申請及程序興趣小組」合併，本局成員熊運信律師獲委任為合併後易名為「法援申請程序及監察外判制度興趣小組」的主席，同時，本局成員李嘉蓮大律師則獲委任為「法律援助範圍興趣小組」主席。

aid panel lawyers to exchange views on different areas of legal aid work / services. In 2002, a formal structure known as Interest Group was set up for broad participation by panel lawyers in reviewing specific areas of legal aid work. In 2003, the Council invited non-governmental organizations to join the Interest Groups. Later in the year, District Council members and academics were also invited. Each Interest Group is chaired by a Council member. Other Council members are also welcome to join.

Generally, the terms of reference of an Interest Group are –

- a. to make recommendations to the Council on ways and means to improve the subject under the purview of the Interest Group;
- b. to report back to the Council feedback and/or comments in respect of the subject under the purview of the Interest Group; and
- c. to consider any issue relating to the subject under the purview of the Interest Group referred by the Council or other interested parties.

Prior to September 2008, there were three Interest Groups, namely:

- a. Interest Group on Assignment System and Monitoring of Assigned-out Cases;
- b. Interest Group on Processing of Legal Aid Applications; and
- c. Interest Group on Scope of Legal Aid.

In September 2008, the Council considered more efficient to discuss the related issues under the purview of different interest groups under one roof. The Interest Group on Assignment System and Monitoring of Assigned-out Cases therefore merged with the Interest Group on Processing of

在2011年，本局再招募興趣小組成員。本局廣發邀請，吸納更多不同界別的新成員，以推動興趣小組的工作。興趣小組成員人數因而有所增加，成員背景更趨廣泛，包括學者（來自法律和社會研究領域）、會計師、建築師、大律師、醫生、牙醫、工程師、環境顧問、資訊科技顧問、園境師、不同社會服務範疇的工作者、律師和測量師。兩個興趣小組將繼續探討其負責的相關課題，並向本局提出建議。

### 工作小組

本局也會視乎需要成立工作小組，為一些特別課題進行研究。這些工作小組會向本局提出建議，或為本局計劃與籌辦活動。在此年報年度內，四個名為「社區法律服務工作小組」、「法律援助獨立性工作小組」、「兩岸四地法律援助研討會工作小組」和「法律援助研討會籌備小組」已展開工作。

興趣小組和工作小組成員名單刊於附錄。

Legal Aid Applications. Council member Mr Stephen HUNG was appointed Chairman of the merged interest group which was renamed as the Interest Group on Processing, Assignment and Monitoring of Assigned-out Cases. At the same time, Council member Ms Corinne REMEDIOS was appointed Chairman of the Interest Group on Scope of Legal Aid.

In 2011, a membership drive was launched. Invitation to attract more new members was issued with a view to casting a wider net and to keep up the momentum of interest. As a result, the Interest Groups grew in membership with broadened composition. Members include academics (in the legal as well as social studies fields), accountants, architects, barristers, a doctor, a dentist, engineers, an environmental consultant, an information technology consultant, a landscape architect, various members of the social services field, solicitors, and surveyors. The two interest groups will continue to advise the Council on subject matters under their purview.

### WORKING PARTIES

The Council also forms working parties as necessary to study specific issues and make recommendations to the Council or to plan and organize activities of the Council. During the year under review, four working parties were in operation. They were the Working Party on Community Legal Services, the Working Party on Independence of Legal Aid, the Working Party on Cross-strait Legal Aid Conference and the Organizing Committee for Seminar on Legal Aid.

Membership of the Interest Groups and the Working Parties is at the Appendix.